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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,183	08/10/2001	Oludele Olusegun Popoola	198-1162	5329

7590

08/07/2003

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/927,183

Applicant(s)

POPOOLA ET AL.

Examiner

Lawrence D Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed May 15, 2003. Claims 3-4 and 6 were canceled and claims 1-2, 5 and 7 were amended rendering claims 1-2, 5 and 7 pending.

Claim Rejections – 35 USC § 102(b)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Longo et al (US 3,723,165).
4. Longo discloses a thermally sprayed article (flame spraying) used for applying metal and plastic coatings (column 1, lines 7-49) where the plastics include polymers (column 1, lines 65-68). Longo discloses a metal substrate material can be thermally sprayed on the article to form an inner layer (column 3, lines 54-60) where the sprayed coating forms the outer layer. Longo discloses the mixture of plastic powder and metal are co-deposited (column 2, lines 46-60) where the bond coat has a thickness of 0.005 inches and the top coat has a thickness of 0.001 inches (column 4, lines 15-20) resulting in the hardness of the outer layer being less than that of the

inner layer. This would be inherent, because the plastic/metal mixture would be softer than the base metal alone.

Response to Arguments

5. Rejection made under 35 U.S.C. 112, second paragraph has been withdrawn due to Applicant's canceling claim 3. Rejection made under 35 U.S.C. 103(a) as being unpatentable over Godel (US 5,829,405) in view of JP 60190497 has been withdrawn due to Applicant's amending claim 1 and canceling claims 3-4 and 6.

Applicant's arguments to rejection made under 35 USC 102(b) as being anticipated by Longo et al (US 3,723,165) has been considered but is unpersuasive. Applicant argues Longo et al. does not disclose an article substrate, an inner layer formed on the article substrate of a metal material having a first predetermined thickness, an outer layer formed on the inner layer of a composite made of a polymer and the metal material having a second predetermined thickness. Examiner is not persuaded by this argument because Longo discloses a metal substrate material can be thermally sprayed on the article to form an inner layer (column 3, lines 54-60) where the sprayed coating forms the outer layer. Longo discloses the mixture of plastic powder and metal are co-deposited (column 2, lines 46-60) where the bond coat has a thickness of 0.005 inches and the top coat has a thickness of 0.001 inches (column 4, lines 15-20) resulting in the hardness of the outer layer being less than that of the inner layer. Applicant states that claim 2 has been amended similar to claim 1 and includes the feature of the second predetermined thickness being less than the first predetermined thickness. As previously stated, Longo discloses the bond coat

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has a thickness of 0.005 inches and the top coat has a thickness of 0.001 inches (column 4, lines 15-20) resulting in the hardness of the outer layer being less than that of the inner layer.

Applicant recites *In re Arkley*, where anticipation requires the presence of a single prior art reference, which discloses each and every element of the claimed invention arranged as in the claim. Examiner contends the reference Longo et al. anticipates claims 1,2,5 and 7. Applicant reiterates that Longo et al. lacks an article substrate, an inner layer formed on the article substrate of a metal material having a first predetermined thickness, an outer layer formed on the inner layer of a composite made of a polymer and the metal material having a second predetermined thickness. Examiner respectfully disagrees because Longo discloses a metal substrate material can be thermally sprayed on the article to form an inner layer (column 3, lines 54-60) where the sprayed coating forms the outer layer. Longo discloses the mixture of plastic powder and metal are co-deposited (column 2, lines 46-60) where the bond coat has a thickness of 0.005 inches and the top coat has a thickness of 0.001 inches (column 4, lines 15-20) resulting in the hardness of the outer layer being less than that of the inner layer. Applicant argues Longo et al. does not disclose thermally spraying a metal material against an article substrate. Examiner is not persuaded by this argument because Longo discloses a thermally sprayed article (flame spraying) used for applying metal and plastic coatings (column 1, lines 7-49) where the plastics include polymers (column 1, lines 65-68). Longo discloses a metal substrate material can be thermally sprayed on the article to form an inner layer (column 3, lines 54-60) where the sprayed coating forms the outer layer.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Funk (U.S. 5,897,947) discloses a thermally sprayed article (column 3, lines 6-7).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.



Lawrence D. Ferguson
Examiner
Art Unit 1774

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
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